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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,736	12/20/2001	David D. Szarka	2000-IP-000120U1	1946

28857 7590 04/13/2004  
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EXAMINER
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STEPHENSON, DANIEL P

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/026,736	Applicant(s) SZARKA ET AL.	
	Examiner Daniel P Stephenson	Art Unit 3672	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-33 and 36-39 is/are pending in the application.  
     4a) Of the above claim(s) 6,13,15,17 and 24 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-33 and 36-39 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 3-5,12,14,16 and 18-23 is/are objected to.
- 8) ☒ Claim(s) 6,13,15,17 and 24 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's arguments, see page 12, lines 8 - page 13, line 3, filed 3/8/04, with respect to the rejection(s) of claim(s) 1, 2, 7-11 under Murray et al. in view of Maly et al. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Murray et al. in view of Pitts.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 2 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray et al. in view of Pitts. Murray (Figures 1-6, col. 2 line 55- col. 4 line 38) discloses a collar for use with a wellbore for cementing it into place. At the base of the collar is a spring loaded check valve that biases the valve member such that it resists fluid flow out of the exit flow passage. Spaced radially around the tubular are holes which allow the influx of fluid until such time as the influx is undesired. Then an annular closure sleeve, which is retained through the use of a frangible element, is lowered using a cementing plug. This closes the radial holes on the tubular, and allows the pumping of cement through the check valve at the base. The closure sleeve contains o-rings that seal against the influx of fluid after closure. A second cementing plug is then lowered through the casing string to displace the remaining cement located therein. There is a substantially unrestricted flow path leading up to the lower check valve. Murray et al. does not disclose that there is a first set of check valves which are located on the sleeve used for

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closure that act upon the radial holes in the tubular. Nor does it disclose that these valves react to a difference in pressure within the collar and the outside of the wellbore. Nor does it disclose that there are holes within the closure sleeve that allow fluid passage in the sleeves first position but do not allow it in the sleeves second position. Pitts (Figure 1, col. 2 lines 64- col. 3 line 20) discloses a well casing fill up device that is to be used when lowering a tubular into the wellbore. It has a closure sleeve (14) that is movable axially within the tubular and a set of check valves (3) that act on the closure sleeve. The check valves allow the outside fluid to enter when there is a pressure differential between the inside of the tubular and the outside. There is an unrestricted flow passage through the collar. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the check valves of Pitts on the apparatus of Murray et al. The motivation for this is that it is generally accepted in the wellbore art the fluid pressure equalization is needed within a tubular when it is being lowered into the wellbore to reduce the buoyancy of the tubular. This is taught by Pitts (col. 1 lines 22-35), who also states that the check valve configuration would reduce clogging from cuttings. It is also generally recognized that placing a check valve on an apparatus to allow fluid to only flow in one direction is useful on many fluid passages, as it allows fluid to pressurize one side of a system without transferring that pressure back to the other side. Therefore the motivation to combine these two references has been gleaned from the knowledge generally available to one of ordinary skill in the art in addition to the teachings of Pitts.

*Allowable Subject Matter*

4. Claims 25-33 and 36-39 are allowed.

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5. Claims 3-5, 12, 14, 16 and 18-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims

***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 2 and 7-11 have been considered but are moot in view of the new ground(s) of rejection.

7. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., resuming self-filling after circulation has been performed) (page 14 lines 9-14) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P Stephenson whose telephone number is (703) 605-4969. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (703) 308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Bagnell  
Supervisory Patent Examiner  
Art Unit 3672

DPS *PPS*